

House Bill 471 (AS PASSED HOUSE AND SENATE)

By: Representatives Stephens of the 164<sup>th</sup>, McCall of the 30<sup>th</sup>, and Rynders of the 152<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to  
2 general provisions applicable to counties, municipal corporations, and other government  
3 entities, so as to prohibit local governments from requiring transfer of the ownership of  
4 privately constructed water or sewage systems under certain conditions; to provide for a  
5 sunset provision; to provide for related matters; to provide an effective date; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general  
10 provisions applicable to counties, municipal corporations, and other government entities, is  
11 amended by adding a new Code section to read as follows:

12 "36-80-21.

13 (a) Notwithstanding any other provision of law to the contrary, no municipal corporation,  
14 county, or local authority except those within the Metropolitan North Georgia Water  
15 Planning District area shall require the transfer of ownership of a privately constructed  
16 water or sewage system that is not to be connected to a publicly owned water or sewage  
17 system of said governmental entity; nor shall such governmental entity require such  
18 transfer of ownership as a condition for the approval or issuance of local permits if the  
19 privately constructed water or sewer system is owned and operated by a company issued  
20 a permit by the Environmental Protection Division of the Department of Natural Resources  
21 whose primary business is the management and operation of such systems.

22 (b) All publicly owned existing water or sewage systems with at least 200 active  
23 connections as of January 1, 2007, are exempt from the provisions of this Code section.  
24 The required transfer of ownership shall also be allowed if the new privately constructed  
25 water or sewage system, not including private septic systems or wells, is within a mile of  
26 a governmentally owned water or sewage system. The director of the Environmental

- 1 Protection Division of the Department of Natural Resources may require connection and  
2 transfer of ownership of such systems for issues of public health and environmental quality.  
3 (c) This Code section shall stand repealed on January 1, 2009."

4 **SECTION 2.**

- 5 This Act shall become effective upon its approval by the Governor or upon its becoming law  
6 without such approval.

7 **SECTION 3.**

- 8 All laws and parts of laws in conflict with this Act are repealed.